3525, an original bill to amend subpart 2 of part B of title IV of the Social Security Act to improve outcomes for children in families affected by methamphetamine abuse and addiction, to reauthorize the promoting safe and stable families program, and for other purposes.

S. 3582

At the request of Mr. KOHL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3582, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

S. 3609

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 3609, a bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program.

S. RES. 407

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. Res. 407, a resolution recognizing the African American Spiritual as a national treasure.

S. RES. 499

At the request of Ms. MURKOWSKI, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. Res. 499, a resolution designating September 9, 2006, as ''National Fetal Alcohol Spectrum Disorders Awareness Day''.

S. RES. 500

At the request of Mr. BROWNBACK, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from North Carolina (Mrs. DOLE), the Senator from Florida (Mr. MARTINEZ) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Res. 500, a resolution expressing the sense of Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered or unregistered, as stipulated by the Russian Constitution and international standards.

S. RES. 527

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. Res. 527, a resolution condemning in the strongest terms the July 11, 2006, terrorist attacks in India and expressing sympathy and support for the families of the deceased victims and wounded as well as steadfast support to the Government of India as it seeks to reassure and protect the people of India and to bring the perpetrators of this despicable act of terrorism to justice.

AMENDMENT NO. 4515

At the request of Mr. DEWINE, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of amendment No. 4515 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4573

At the request of Mr. OBAMA, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 4573 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4597

At the request of Mr. DOMENICI, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 4597 intended to be proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4600

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 4600 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4610

At the request of Mr. THUNE, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of amendment No. 4610 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4615

At the request of Mr. VITTER, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Kansas (Mr. ROBERTS), the Senator from Kentucky (Mr. BUNNING), the Senator from Virginia (Mr. ALLEN), the Senator from Montana (Mr. BAUCUS), the Senator from Wyoming (Mr. THOMAS), the Senator from Oregon (Mr. SMITH), the Senator from North Carolina (Mrs. DOLE), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of amendment No. 4615 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4618

At the request of Mr. DAYTON, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of amendment No. 4618 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4620

At the request of Mr. SCHUMER, his name was added as a cosponsor of amendment No. 4620 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4626

At the request of Mr. DEWINE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 4626 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

At the request of Ms. MIKULSKI, her name was added as a cosponsor of amendment No. 4626 proposed to H.R. 5441, supra.

AMENDMENT NO. 4634

At the request of Mr. MENENDEZ, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of amendment No. 4634 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4641

At the request of Mr. DODD, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 4641 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. 3652. A bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions; to the Committee on Homeland Security and Governmental Affairs.

Ms. MIKULSKI. Mr. President, today I am reintroducing the Law Enforcement Officers Retirement Equity Act. I am proud to be joined on this bill by my colleague and friend, Senator SARBANES. This legislation will ensure that all Federal law enforcement officers have the same retirement options and that their pay and benefits conform to the federal law enforcement retirement system.

Under current law, most Federal law enforcement officers and firefighters are eligible to retire at age 50 with 20 years of Federal service. But some Federal law enforcement personnel, such as customs and immigration inspectors at the Department of Homeland Security or police officers at Veterans Affairs, are not eligible for these same

benefits. This legislation will amend current law and grant the same pay and 20-year retirement to all law enforcement officers.

We must honor our Federal law enforcement personnel. The names of Federal law enforcement officials who have died in the line of duty are engraved on the Law Enforcement Memorial. We include the names of the officers from Homeland Security and Veterans Affairs. We honor them when they die, but we don't recognize them when they are living.

We need to make sure that all Federal law enforcement officers earn the pay and benefits that they deserve. These brave men and women are the country's first line of defense against terrorism and the smuggling of illegal drugs at our borders. They have the same law enforcement training as all other law enforcement personnel, and face the same risks and challenges.

For example, U.S. Customs inspectors are responsible for the most arrests performed by Customs Service employees. Yet they do not qualify for law enforcement officer status. Along with U.S. Customs agents, uniformed U.S. Customs inspectors are helping to provide additional security at the nation's airports and help enforce U.S. Customs laws. They were among the first to respond to the tragedy at the World Trade Center. After September 11, Customs inspectors are playing a critical role in ensuring that terrorists don't get their hands on weapons of mass destruction and smuggle them into the country.

Like customs inspectors, immigration inspectors at the Department of Homeland Security are also on the front lines of defense against terrorism. Immigration inspectors enforce the Nation's immigration laws at more than 300 ports of entry. In the normal course of their duties, they enforce criminal law, make arrests, interrogate applicants for entry, search persons and effects, and seize evidence. Inspectors' responsibilities have become increasing complex as political, economic and social unrest has increased globally. The threat of terrorism only increases these responsibilities.

This legislation is cost effective. Any cost that is created by this act is more than offset by savings in training costs and increased revenue collection. A 20-year retirement bill for these critical employees will reduce turnover, increase productivity, decrease employee recruitment and development costs, and enhance the retention of a well-trained and experienced work force. These vital Federal employees bear the same risks and work under similar conditions to other law enforcement officials and deserve to receive the same level of benefits.

This bill will improve the effectiveness of our Federal workforce to ensure the integrity of our borders and proper collection of the taxes and duties owed to the Federal Government. This bill is strongly supported by the National Treasury Employees Union. I urge my colleagues to join me again in this Congress in expressing support for this bill and finally getting it enacted.

By Mr. JEFFORDS (for himself and Mr. CARPER):

S. 3654. A bill to amend the Internal Revenue Code to allow a credit against income tax, or, in the alternative, a special depreciation allowance, for reuse and recycling property, to provide for tax-exempt financing of recycling equipment, and for other purposes; to the Committee on Finance.

Mr. JEFFORDS. Mr. President, today I am introducing the Recycling Investment Saves Energy—RISE—Act of 2006 with my colleague Senator CARPER. The RISE tax incentives will create jobs, increase productivity, conserve energy and expand America's recycling infrastructure.

I offer this bill to capture the significant energy savings available through greater recycling. For example, recycling aluminum cans saves 95 percent of the energy required to make the same amount of aluminum from its virgin source. The amount of lost energy from throwing away aluminum and steel cans, plastic PET and glass containers, newsprint and corrugated packaging was equivalent to the annual output of 15 medium sized coal powerplants. Increasing the recycling rate of these commodities by 10 percent would save enough energy annually to heat 74,350 million American homes, provide the required electricity for 2.5 million Americans, and save about $771 million in avoid costs for barrels of crude oil. As a result, recycling should be an integral component of our nation's energy efficiency strategy.

The RISE Act would also help create quality jobs. Due to the diminishing quantity and quality of available recyclable materials, many companies currently are not able to obtain the volume of quality recycled feedstock needed to meet demand. This new economic challenge makes it even harder for recycled products to compete in the marketplace. In some cases, recyclers have been forced to shut down their operations in the United States and relocate to other countries due in part to insufficient or poor quality recycled feedstocks. This is particularly unfortunate as, on a per-ton basis, sorting and processing recyclables are estimated to sustain 10 times more jobs than landfilling or incineration.

A national investment in our recycling infrastructure is necessary to reverse the stagnant or declining recycling rate of many consumer commodities, including aluminum, glass and plastic. For example, 55 billion aluminum cans were wasted by not being recycled in 2004, which represents approximately $1 billion of aluminum lost to industry. The recycling rate of paper is estimated to be roughly 51 percent, glass containers 35 percent, and PET plastic bottles less than 20 percent.

The RISE Act will save energy and improve the quantity and quality of recycled materials by allowing companies to claim either a 15-percent tax credit or a 50 percent accelerated depreciation deduction for the purchase of machinery and other equipment used exclusively to collect, distribute or recyclable material. Recyclable material is defined broadly to capture a wide variety of commodities, including plastic, scrap textiles, scrap rubber, scrap packaging, recovered fiber, scrap ferrous and nonferrous metals, or electronic waste generated by an individual or business. It does not include buildings, real estate or rolling stock used to transport reuse and recyclable materials.

The RISE Act aims to reverse the trend in recycling rates and resulting energy loss by incentivizing greater collection, distribution and recycling of quality recyclable materials. The bill will address quality concerns by reducing the barriers hindering investment in optical sorting and other state-of-the-art equipment needed at material recovery and manufacturing facilities. It will make innovative technology more affordable, such as reversible vending machines that collect and process empty containers. An earlier version of RISE was incorporated as section 1545 of the Senate Energy Policy Act of 2005, but did not survive the conference committee.

The Rise Act will amend section 142 of the Internal Revenue Code of 1986 by redefining ''solid waste facilities'' to ensure that recycling facilities are eligible for tax-exempt bond financing under this section. This latter provision was created to resolve an ongoing glitch in the law that prevents these facilities from being eligible for tax-exempt financing.

The following organizations support the RISE Act: American Beverage Association, American Forest & Paper Association, Association of Postconsumer Plastic Recyclers, Ball Corporation, Carolina Recycling Association, Glass Packaging Institute, Institute of Scrap Recycling Industries, Inc., ISRI, National Association for PET Container Resources, NAPCOR, National Recycling Coalition, National Solid Wastes Management Association, Solid Waste Association of North America, Steel Recycling Institute, US Conference of Mayors/Municipal Waste Management Association, Waste Technology Equipment Association, WASTEC, Envision Plastics, EvCo Research, LLC, Florikan ESA Corporation, L B. Schmidt and Associates, Mid America Recycling Companies, MSS, Inc., Novelis, Inc., formerly Alcan, NRT, Inc., O-I, formerly Owens-Illinois, Orwak Group, Reynolds Recycling, Saint-Gobain Containers, Inc., Strategic Materials, Inc., The Coca Cola Company, TiTech Visionsort, Tomra, UltrePET, United Resource Recovery Corporation, Van Dyke Bailer Corp/Lubo USA, wTe Corporation, Paper Recycling Coalition, and Yemm and Hart,

Ltd. Mr. President, most of these organizations have submitted a joint letter in support of the RISE Act, and I will ask to have the letter printed in the RECORD following the statement.

Reducing the barriers to recycling also serves a number of environmental goals, including lessening the need for new landfills, preventing emissions of many air and water pollutants, reducing greenhouse gas emissions, and stimulating the development of green technology. But most importantly, recycling helps preserve resources of our children's future.

For these reasons, I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent to have the letter I referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3654

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Recycling Investment Saves Energy'' or the ''RISE Act''.

SEC. 2. FINDINGS.

The Senate finds the following:

(1) Recycling means business in the United States, with more than 56,000 reuse and recycling establishments that employ over 1.1 million people, generating an annual payroll of nearly $37 billion, and grossing over $236 billion in annual revenues. On a per-ton basis, sorting and processing recyclables alone sustain 10 times more jobs than landfilling or incineration.

(2) By reducing the need to extract and process virgin raw materials into manufacturing feedstock, reuse and recycling helps achieve significant energy savings. For example:

(A) Taken together, the amount of energy wasted from not recycling aluminum and steel cans, paper, printed materials, glass, and plastic equals the annual output of 15 medium sized power plants.

(B) The reuse of 500 steel drums per week yields 6 trillion Btu's per year, which is enough energy savings to power a city the size of Colorado Springs, Colorado, for 1 year.

(3) Unfortunately, the United States recycling rate of many consumer commodities, including aluminum, glass, and plastic, are stagnant or declining, and businesses that rely on recycled feedstock are finding it difficult to obtain the quantity and quality of recycled materials needed. Increasingly, United States manufacturing facilities that rely on recycled feedstock are closing or forced to re-tool to use virgin materials.

(4) The environmental impacts from reuse and recycling are significant. Increased reuse and recycling would produce significant environmental benefits, such as cleaner air, safer water, and reduced production costs. For example:

(A) Between 2 and 5 percent of the waste stream is reusable. Reuse prevents waste creation and adverse impacts from disposal.

(B) On a per-ton basis, recycling of: office paper prevents 60 pounds of air pollutants from being released, saves 7,000 gallons of water, and 3.3 cubic yards of landfill space; aluminum saves 10 cubic yards of landfill space; plastic saves 30 cubic yards of landfill space; glass prevents 7.5 pounds of air pollutants from being released and saves 2 cubic yards of landfill space; and steel saves 4 cubic yards of landfill space.

(5) A national investment in the reuse and recycling industries is needed to preserve and expand America's reuse and recycling infrastructure.

SEC. 3. CREDIT FOR REUSE AND RECYCLING PROPERTY.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

''SEC. 45N. CREDIT FOR QUALIFIED REUSE AND RECYCLING PROPERTY.

''(a) ALLOWANCE OF CREDIT.—For purposes of section 38, the qualified reuse and recycling property credit determined under this section for the taxable year is an amount equal to 15 percent of the amount paid or incurred during the taxable year for the cost of qualified reuse and recycling property placed in service or leased by the taxpayer.

''(b) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED REUSE AND RECYCLING PROPERTY.—

''(A) IN GENERAL.—The term 'qualified reuse and recycling property' means any machinery and equipment (not including buildings or real estate), along with all appurtenances thereto, including software necessary to operate such equipment, which is used exclusively to collect, distribute, or recycle qualified reuse and recyclable materials.

''(B) EXCLUSION.—Such term does not include rolling stock or other equipment used to transport reuse and recyclable materials.

''(2) QUALIFIED REUSE AND RECYCLABLE MATERIALS.—

''(A) IN GENERAL.—The term 'qualified reuse and recyclable materials' means scrap plastic, scrap textiles, scrap rubber, scrap packaging, recovered fiber, scrap ferrous and nonferrous metals, or electronic waste generated by an individual or business.

''(B) ELECTRONIC WASTE.—For purposes of subparagraph (A), the term 'electronic waste' means—

''(i) any cathode ray tube, flat panel screen, or similar video display device with a screen size greater than 4 inches measured diagonally, or

''(ii) any central processing unit.

''(3) RECYCLING OR RECYCLE.—The term 'recycling' or 'recycle' means that process (including sorting) by which worn or superfluous materials are manufactured or processed into specification grade commodities that are suitable for use as a replacement or substitute for virgin materials in manufacturing tangible consumer and commercial products, including packaging.

''(c) AMOUNT PAID OR INCURRED.—For purposes of this section—

''(1) IN GENERAL.—The term 'amount paid or incurred' includes installation costs.

''(2) LEASE PAYMENTS.—In the case of the leasing of qualified reuse and recycling property by the taxpayer, the term 'amount paid or incurred' means the amount of the lease payments due to be paid during the term of the lease occurring during the taxable year other than such portion of such lease payments attributable to interest, insurance, and taxes.

''(3) GRANTS, ETC. EXCLUDED.—The term 'amount paid or incurred' shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise by another person (or any governmental entity).

''(d) ELECTION TO HAVE SECTION NOT APPLY.—A taxpayer may elect for any taxable year to have this section not apply with respect to any qualified recycling property specified by the taxpayer.

''(e) OTHER TAX DEDUCTIONS AND CREDITS AVAILABLE FOR PORTION OF COST NOT TAKEN INTO ACCOUNT FOR CREDIT UNDER THIS SECTION.—No deduction or other credit under this chapter shall be allowed with respect to the amount of the credit determined under this section.

''(f) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any amount paid or incurred with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.''.

(b) CONFORMING AMENDMENTS.—

(1) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (29), by striking the period at the end of paragraph (30) and inserting '', plus'', and by adding at the end the following new paragraph:

''(31) the qualified reuse and recycling property credit determined under section 45N(a).''.

(2) Subsection (a) of section 1016 of such Code is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ''; and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 45N(f), in the case of amounts with respect to which a credit has been allowed under section 45N.''.

(3) Section 6501(m) of such Code is amended by inserting ''45N(d),'' after ''45C(d)(4),''.

(4) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 45M the following new item:

''Sec. 45N. Credit for qualified reuse and recycling property.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 4. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN REUSE AND RECYCLING PROPERTY.

(a) IN GENERAL.—Section 168 of the Internal Revenue Code of 1986 (relating to accelerated cost recovery system) is amended by adding at the end the following new subsection:

''(l) SPECIAL ALLOWANCE FOR CERTAIN REUSE AND RECYCLING PROPERTY.—

''(1) IN GENERAL.—In the case of any qualified reuse and recycling property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of the qualified reuse and recycling property, and

''(B) the adjusted basis of the qualified reuse and recycling property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED REUSE AND RECYCLING PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified reuse and recycling property' means any qualified reuse and recycling property (as defined in section 45N(b)(1))—

''(i) to which this section applies,

''(ii) which has a useful life of at least 5 years,

''(iii) the original use of which commences with the taxpayer after December 31, 2005,

''(iv) which is—

''(I) acquired by purchase (as defined in section 179(d)(2)) by an eligible taxpayer

after December 31, 2005, but only if no written binding contract for the acquisition was in effect before December 31, 2005, or

''(II) acquired by the eligible taxpayer pursuant to a written binding contract which was entered into after December 31, 2005.

''(B) EXCEPTIONS.—

''(i) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined without regard to paragraph (7) of subsection (g) (relating to election to have system apply).

''(ii) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(C) SPECIAL RULES.—

''(i) SELF-CONSTRUCTED PROPERTY.—In the case of an eligible taxpayer manufacturing, constructing, or producing property for the eligible taxpayer's own use, the requirements of clause (iv) of subparagraph (A) shall be treated as met if the eligible taxpayer begins manufacturing, constructing, or producing the property after December 31, 2005.

''(ii) SALE-LEASEBACKS.—For purposes of subparagraph (A)(iii), if property—

''(I) is originally placed in service after December 31, 2005, by a person, and

''(II) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in subclause (II).

''(D) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—For purposes of determining alternative minimum taxable income under section 55, the deduction under subsection (a) for qualified reuse and recycling property shall be determined under this section without regard to any adjustment under section 56.

''(3) ELIGIBLE TAXPAYER.—For purposes of this subsection, the term 'eligible taxpayer' means, with respect to any qualified reuse and recycling property, any taxpayer which elects not to have section 45N apply with respect to such property.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2005.

SEC. 5. TAX-EXEMPT BOND FINANCING OF RECYCLING FACILITIES.

(a) IN GENERAL.—Section 142 of the Internal Revenue Code of 1986 (defining exempt facility bond) is amended by adding at the end the following new subsection:

''(n) SOLID WASTE DISPOSAL FACILITIES.—

''(1) IN GENERAL.—For purposes of subsection (a)(6) only, the term 'solid waste disposal facilities' means any facility used to perform a solid waste disposal function.

''(2) SOLID WASTE DISPOSAL FUNCTION.—

''(A) IN GENERAL.—For purposes of this subsection only, the term 'solid waste disposal function' means the collection, separation, sorting, storage, treatment, disassembly, handling, or processing of solid waste in any manner designed to dispose of the solid waste, including processing the solid waste into a useful energy source or product.

''(B) EXTENT OF FUNCTION.—For purposes of this subsection only, the solid waste disposal function ends at the later of—

''(i) the point of final disposal of the solid waste,

''(ii) immediately after the solid waste is incinerated to produce energy, or

''(iii) the point at which the solid waste has been converted into a material or product that can be sold in the same manner as comparable material or product produced from virgin material.

''(C) FUNCTIONALLY RELATED AND SUBORDINATE FACILITIES.—For purposes of this subsection only, in the case of a facility used to perform both a solid waste disposal function and another function—

''(i) the costs of the facility allocable to the solid waste disposal function are determined using any reasonable method based upon facts and circumstances, and

''(ii) if during the period that bonds issued as part of an issue described in subsection (a)(6) are outstanding with respect to any facility at least 65 percent of the materials processed in such facility are solid waste materials as measured by weight or volume, then all of the costs of the property used to perform such process are allocable to a solid waste disposal function.

''(3) SOLID WASTE.—For purposes of this subsection only—

''(A) IN GENERAL.—The term 'solid waste' means garbage, refuse, or discarded solid materials, including waste materials resulting from industrial, commercial, agricultural, or community activities.

''(B) GARBAGE, REFUSE OR DISCARDED SOLID MATERIALS.—For purposes of subparagraph (A), the term 'garbage, refuse, or discarded solid materials' means materials that are useless, unused, unwanted, or discarded.

''(C) EXCLUSION.—The term 'solid waste' does not include materials in domestic sewage, pollutants in industrial or other water resources, or other liquid or gaseous waste materials.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued before, on, or after the date of the enactment of this Act.

Hon. JIM JEFFORDS,
U.S. Senate,
Washington, DC.

DEAR SENATOR JEFFORDS: On behalf of the undersigned recycling industry organizations, companies and other groups that support recycling efforts, we write to support the ''Recycling Investment Saves Energy'' (RISE) bill. An earlier version of RISE was incorporated as Section 1545 of the Senate Energy Bill last year, but did not survive conference committee. RISE would save energy and improve the quantity and quality of recycled materials by allowing companies to claim either a tax credit or accelerated depreciation for the purchase of equipment used to collect, distribute or recycle a variety of commodities.

Your support will be greatly appreciated by businesses that are facing serious problems trying to secure a steady stream of quality recycled materials including glass, paper, plastic, steel and aluminum. This provision will create jobs, increase productivity and conserve energy by encouraging companies to invest in state-of-the-art recycling infrastructure. With recycling levels for individual materials either stalled or declining, we need to act now to improve usable recovered material and to enhance the quality of materials that are collected through curbside and other recycling programs.

Every industry that uses recycled materials as a feedstock realizes significant energy savings compared to production using virgin materials. By providing tax incentives to increase the quality and quantity of usable recycled materials available, the RISE provision will enable these industry segments to significantly reduce energy consumption.

Recycling associations and industries support this bill.

Sincerely,

American Beverage Association; American Forest & Paper Association; Association of Postconsumer Plastic Recyclers; Carolina Recycling Association; Glass Packaging Institute; National Association for PET Container Resources (NAPCOR); National Recycling Coalition; National Solid Wastes Management Association; Paper Recycling Coalition; Solid Waste Association of North America; Steel Recycling Institute; U.S. Conference of Mayors/Municipal Waste Management Association; Waste Technology Equipment Association (WASTEC); Ball Corporation; Envision Plastics; EvCo Research, LLC; Florikan ESA Corporation; L B. Schmidt and Associates; Mid America Recycling Companies; MSS, Inc; Novelis, Inc (formerly Alcan); NRT, Inc.; O–I (formerly Owens-Illinois); Orwak Group; Reynolds Recycling; Saint-Gobain Containers, Inc; Strategic Materials, Inc; The Coca Cola Company; TiTech Visionsort; Tomra; UltrePET; United Resource Recovery Corporation; Van Dyke Bailer Corp/Lubo USA; wTe Corporation; Yemm and Hart, Ltd.

By Mr. CRAIG (for himself and Mr. COBURN):

S. 3655. A bill to amend the Internal Revenue Code of 1986 to allow individuals eligible for veterans health benefits to contribute to health savings accounts; to the Committee on Finance.

Mr. CRAIG. Mr. President, I seek recognition today to introduce legislation to allow veterans who use the VA health care system to establish health savings accounts, HSAs. This legislation will increase health insurance options for veterans and their families, provide future options in the choice of health care providers for veterans, and could ultimately allow veterans who are forced to rely on the VA health care system today to choose to receive care from the private health care system in the future.

As my colleagues are aware, current law allows individuals who purchase a high deductible health insurance plan to contribute funds, on behalf of themselves and their family, to a health savings account. Funds are contributed to the HSA on a pretax basis and then can be withdrawn for qualified health care expenses without any tax consequence.

In order for a person's HSA to be in ''good standing'' with the IRS, the individual cannot carry health insurance that provides coverage for any health services prior to reaching the deductible amount of the high deductible plan. Of course, like many government programs, there are exceptions to the rules for certain circumstance. Most notably, a person does not jeopardize an HSA by purchasing long-term care or accident insurance nor is the receipt of workman's compensation coverage disqualified from contributing to an account. Yet the IRS has advised the health insurance industry that VA health care would count as a health insurance plan that provides coverage for health care services prior to reaching the high deductible limit. Therefore, veterans who use VA are not eligible to establish health savings accounts.

At the time this issue was brought to my attention, the argument was limited to the narrow issue of service-connected veterans being denied an opportunity to avail themselves of the tax advantages of an HSA simply because they suffered an injury related to their service in the military and the government was providing care for that injury. Of course, that seemed outrageous to me. Like any employer, the Government has an obligation to provide treatment for injuries sustained while military personal are serving our country. And if workman's comp is a current exemption, why not VA care?

So, I set out to draft a bill to allow service-connected veterans who use VA for service-connected treatment to establish HSAs. But, the more I considered the arguments for allowing those who use VA for service-connected conditions to have HSAs, the more I realized that the arguments applied just as strongly to all VA patients. I would like to take a moment to explain my arguments.

First, the current law unfairly affects families of veterans when the veteran is the sole provider of income for the family. As everyone knows, VA is not a family health care provider except in the extreme case of a permanently disabled service-connected veteran. Therefore if a veteran—even a service-connected veteran—uses the VA health care system, current law does not even allow that veteran to contribute money on behalf of his family to an HSA. What good does that do? Why would we prohibit a veteran from providing health coverage to his or her family? In my opinion, that does neither the veteran nor his or her family any good. It is simply a well-intention policy when applied to HSAs, with a harmful, unintended consequence as applied to veterans.

Second, under current law VA is permitted to bill insurance carriers for the treatment of nonservice connected conditions. Further, many veterans are required to pay copayments to VA in order to receive that same care. So, veterans have out-of-pocket medical expenses and VA can bill their insurance provider. Yet we have a policy that disallows the establishment of a tax free account to pay for those medical expenses and—even worse—provides a disincentive for the veterans to buy an insurance policy that VA could one day bill. Again, I understand the genesis of the policy. However, it is having unintended consequences when applied to our veterans.

Finally, while it is true that more and more veterans are choosing to use VA as their provider of choice as a result of the excellent care provided by the system, there are still hundreds of thousands of veterans who use VA because they are financially unable to afford the private health system. I am proud that this Nation stands by those veterans who cannot provide for their own care in the private system. However, I do not think we should statutorily preclude them from even trying to take control of their own health care finances.

What harm would come if a veteran, who uses VA today because he or she has no other option, was suddenly allowed to purchase a low premium, high deductible plan and then begin to contribute to a savings account that he or she would now own. I say no harm at all. The only thing that could come of this is that the veteran may one day say to his government: I was there for you when you needed me. You were there for me when I needed you. Now, I no longer need you.

Again, I am not saying that veterans should feel as though I am trying to get them to leave the VA system. I am not. But, I certainly do not want to stop a veteran from choosing to buy insurance, start saving in an HSA, and one day leaving the system. I think one of the things government can do for its citizens is provide the tools and assistance that will allow Americans to provide for themselves. That is what this legislation is about.

I am confident that many of you will agree with the premise that it is a basic issue of fairness to support allowing service-connected veterans to establish HSAs. But, I also hope that I have demonstrated here today that it is sound public policy to extend the HSA option to all veterans who use VA's health care system.

I urge my colleagues to be cosponsors of this legislation and I urge passage of the bill as soon as possible.

By Mrs. FEINSTEIN (for herself and Ms. SNOWE:)

S. 3656. A bill to provide additional assistance to combat HIV/AIDS among young people, and for other purposes; to the Committee on Foreign Relations.

Mrs. FEINSTEIN. Mr. President, I rise today with Senator SNOWE to introduce legislation to strengthen our international HIV prevention efforts for youth and empower the people on the ground who are fighting this disease to design the most effective and appropriate HIV prevention program.

Our legislation does three things. First, it expresses the sense of the Senate that sexually active youth who live in a country where HIV infection is spreading through the general population should be considered at high risk of contracting HIV and provided with information on the complete range of tools to prevent the spread of HIV.

To date, the Office of the Global AIDS Coordinator has focused prevention programs for youth on abstinence only and ignored other prevention techniques such as the use of condoms.

Second, it defines ''abstinence-until-marriage'' programs as those programs that place the highest, rather than exclusive, priority on encouraging individuals who have not yet married to abstain from sexual activity.

And finally, it reserves at least one-third of funds for prevention of the sexual transmission of HIV—rather than one-third of all prevention programs—for abstinence-until marriage programs. This recognizes that HIV prevention includes many types of activities and those that target the sexual transmission of HIV/AIDS, such as abstinence-until-marriage programs, are only a subset.

In 2003, I was proud to join my colleagues in passing the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003, a historic piece of legislation that expressed our resolve to see the United States take a leadership role in the fight against the global HIV/AIDS pandemic.

The bill recognized that prevention—along with care and treatment—is an essential component of that fight and demands a multipronged approach. It endorsed the ''ABC'' model for prevention of the sexual transmission of HIV: Abstain, Be Faithful, use Condoms.

That bill also contained a provision that mandated that at least one-third of global HIV/AIDS prevention funds be set aside for ''abstinence-until-marriage programs.''

Three years later, we still face an uphill battle against the HIV/AIDS pandemic. Worldwide, 40 million people are infected with HIV. Each day, approximately 13,400 people are newly infected with HIV. In 2005, there were 5 million new HIV infections around the world, 3.2 million in Sub-Saharan Africa alone. Sub-Saharan Africa is home to almost two-thirds of the estimated 40 million people currently living with HIV.

Across sub-Saharan Africa, the prevalence rate for the general population is 8 percent; 2.4 million adults and children died of AIDS in 2005.

Despite these devastating numbers, according to UNAIDS, less than one in five people at risk for infection of HIV have access to basic prevention services. Studies have shown that two-thirds of new HIV infections could be averted with effective prevention programs.

Clearly, we still have a long ways to go to rein in this disease.

During the debate on the global HIV/AIDS bill, I expressed concern that we were placing politics over science by requiring that at least one-third of prevention funds go to ''abstinence only'' programs.

I argued that such an artificial earmark—which, by the way, was not based on any scientific study or conclusive evidence—would tie the hands of HIV/AIDS workers and doctors on the ground and severely inhibit the ability of the administration to fund the most effective HIV prevention programs.

It would mean less money for funds to prevent mother-to-child transmission; less money to promote a comprehensive prevention message to high risk groups such as sexually active youth; and fewer funds to protect the blood supply.

Unfortunately, the evidence clearly shows that the one-third earmark has

had a negative impact on our prevention efforts and inhibited the ability of local communities to design a multipronged HIV prevention program that works best for them.

Last month, the Government Accountability Office, GAO, issued a report that found ''significant challenges'' associated with meeting the abstinence-until-marriage programs. The report concluded that:

The 33 percent abstinence spending requirement is squeezing out available funding for other key HIV prevention programs such as mother-to-child transmission and maintaining a healthy blood supply. Country teams that are not exempted from the one-third earmark have to spend more than 33 percent of prevention funds on abstinence-until-marriage activities, sometimes at the expense of other programs. The spending requirement limited or reduced funding for programs directed to high-risk groups, such as sexually active youth and; the majority of country teams on the ground reported that meeting the spending requirement ''challenges their ability to develop interventions that are responsive to local epidemiology and social norms.''

Clearly, we are placing constraints on our ability to protect high-risk populations around the world from HIV transmission and fund the wide range of prevention programs, such as mother-to-child transmission.

Our bill seeks to address the problems highlighted in the GAO report and provide local communities the necessary flexibility to achieve the goal we all share: stopping the spread of HIV, especially among young people.

Let me be clear: our bill does not strike the 33 percent earmark for ''abstinence-until-marriage'' programs.

In fact, our legislation is pro-abstinence. It maintains abstinence as a critical part our prevention efforts and places no limits on programs that lead to this result. It even allows the administration to spend more than one third of funds for the prevention of HIV on ''abstinence-until-marriage'' programs if the administration decides that is the best use of those funds.

Simply put, our bill balances congressional priorities with public health needs. Under our legislation, country teams can take into account country needs including cultural differences, epidemiology, population age groups and the stage of the epidemic in designing the most effective prevention program.

One size does not fit all. A prevention program in one country may look a lot different than a prevention program in another country.

A May 2003 report from the Bill and Melinda Gates Foundation and Henry J. Kaiser Foundation highlights that proven prevention programs include: behavior change programs, including delay in the initiation of sexual activity, faithfulness and correct and consistent condom use; testing and treatment for sexually transmitted diseases; promoting voluntary counseling and testing; harm reduction programs for IV drug users; preventing the transmission of HIV from mother to child; increasing blood safety; empowering women and girls; controlling infection in health care settings, and; devising programs geared towards people living with HIV.

For example, studies have shown that combining drugs with counseling and instruction on use of such drugs reduces mother-to-child transmission by 50 percent.

Such cost effective programs are not related to abstinence and should not be constrained by the 33 percent earmark on funds for prevention.

I understand the importance of teaching abstinence. It is and will remain a key part of our strategy in preventing the spread of HIV.

But let us listen to the words of someone with first hand experience about the challenges sub-Saharan African countries face in combating HIV/AIDS and the constraints the ''abstinence-until-marriage'' earmark places on those efforts.

In an August 19, 2005 op-ed in the New York Times, Babatunde Osotimehin, chairman of the National Action Committee on AIDS in Nigeria, wrote:

Abstinence is one critical prevention strategy, but it cannot be the only one. Focusing on abstinence assumes young people can choose whether to have sex. For adolescent girls in Nigeria and in many other countries, this is an inaccurate assumption. Many girls fall prey to sexual violence and coercion ..When dealing with AIDS, we must address the realities and use a multipronged approach to improving education and health systems, one that can reach all of our people.

He concludes:

National governments must have the freedom to employ the very best strategies at our disposal to help our people.

I could not agree more.

If we want to help the girls of Nigeria and the youth of sub-Saharan Africa, we cannot limit the information they receive about keeping them safe from acquiring HIV.

Mr. President, I have been heartened to witness Republicans and Democrats coming together to support a robust U.S. assistance package to fight the HIV/AIDS pandemic. We all share the same goal of the President's Emergency Plan for AIDS Relief to prevent 7 million new HIV infections by 2010.

This bill is about helping us achieve that goal. When we put our faith in the people on the front lines of this fight and allow them to use all the tools and strategies at their disposal, we are one step closer to making that goal a reality.

We do not have time to lose. I urge my colleagues to support our legislation and support a pro-abstinence, multi-pronged approach to preventing the spread of HIV.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3656

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''HIV Prevention for Youth Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The President's Emergency Plan for AIDS Relief (in this Act referred to as ''PEPFAR'') is an unprecedented effort to combat the global AIDS epidemic, with $9,000,000,000 targeted for initiatives in 15 focus countries.

(2) The PEPFAR prevention goal is to avert 7,000,000 HIV infections in the 15 focus countries—most in sub-Saharan Africa where heterosexual intercourse is by far the predominant mode of HIV transmission.

(3) The PEPFAR strategy for prevention of sexual transmission of HIV is shaped by 3 elements: the ABC model, defined as ''Abstain, Be faithful, use Condoms'', the promotion of ''abstinence-until-marriage'', and deference to local prevention needs.

(4) The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 requires that at least one-third of all prevention funds be reserved for abstinence-until-marriage programs. In implementing this requirement, the U.S. Global AIDS Coordinator has required that 50 percent of prevention funding be dedicated to sexual transmission prevention activities. This requirement severely limits countries from employing strategies for the prevention of sexual transmission other than abstinence, because the other sexual transmission prevention programs under PEPFAR (such as the purchase of condoms and management of sexually transmitted infections) cannot exceed one-sixth of the total prevention funds.

(5) The Government Accountability Office (GAO) issued a report in April, 2006, ''Spending Requirement Presents Challenges For Allocating Funding under the President's Emergency Plan for AIDS Relief'', that found ''significant challenges'' associated with meeting the earmark for abstinence-until-marriage programs.

(6) GAO found that a majority of country teams report that fulfilling the requirement presents challenges to their ability to respond to local epidemiology and cultural and social norms.

(7) GAO found that, although some country teams may be exempted from the abstinence-until-marriage spending requirement, country teams that are not exempted have to spend more than the 33 percent of prevention funds on abstinence-until-marriage activities—sometimes at the expense of other programs.

(8) Indeed, according to GAO, the proportion of HIV prevention funds dedicated to ''other prevention'' activities (i.e. the purchase and promotion of condoms, management of sexually transmitted infections other than HIV, and messages or programs to reduce injection drug use) declined from 23 percent in fiscal year 2005 to 18 percent in fiscal year 2006 for country teams that did not receive exemptions.

(9) GAO found that, as a result of the abstinence-until-marriage spending requirement, some countries have had to reduce planned funding for Prevention of Mother-to-Child Transmission programs, thereby limiting services for pregnant women and their children.

(10) GAO found that the abstinence-until-marriage spending requirement limited or reduced funding for programs directed to high-risk groups, such as services for married discordant couples, sexually active youth, and commercial sex workers.

(11) GAO found that the abstinence-until-marriage spending requirement made it difficult for countries to fund medical and blood safety activities.

(12) GAO found that, because of the abstinence-until-marriage spending requirement, some countries would likely have to reduce funding for condom procurement and condom social marketing.

(13) In addition, GAO found that two-thirds of focus country teams reported that the policy for implementing the ABC model is unclear and open to varying interpretations, causing confusion about which groups may be targeted and whether youth may receive the ABC message.

(14) GAO found that the ABC guidance does not clearly delineate permissible C activities under the ABC model. Program staff reported that they feel ''constrained'' by restrictions on promoting or marketing condoms to youth. Other country teams reported confusion about whether PEPFAR funds may be used for broad condom social marketing, even to adults in a generalized epidemic.

(15) Each day, an estimated 13,400 people worldwide are newly infected with HIV.

(16) Sub-Saharan Africa is home to almost two-thirds of the estimated 40,000,000 people currently living with HIV.

(17) In many African countries, the epidemic has spread among the general population. The HIV prevalence rate for the general population is 8 percent across sub-Saharan Africa. Among the United States focus countries in sub-Saharan Africa, the HIV prevalence rate ranges from 4 percent in Uganda to 37 percent in Botswana.

(18) According to the Joint United Nations Programme on HIV/AIDS, young people between the ages of 15 and 24 are ''the most threatened by AIDS'' and ''are at the centre of HIV vulnerability''. Globally, this age group accounts for half of all new HIV cases each year. More than 7,000 young people contract the virus every day.

(19) Most young people in sub-Saharan Africa have sex before marriage during their adolescent years. In many countries, at least half of all women have sex before age 20 and before marriage. Among young men, more than 70 percent have premarital sex before age 20.

(20) Many adolescents, who are sexually active and not yet married, have inadequate information on how to protect themselves against HIV. Fewer than half of young people in sub-Saharan Africa mention abstinence, monogamy, or condom use as a way of avoiding HIV.

(21) Young people who have sex are at greater risk of acquiring HIV than adults, partly because of their lack of knowledge. They are apt to change partners frequently, have more than 1 partner in the same time period, or engage in unprotected sex.

(22) Coercion and sexual violence undercut the ability of young people—women in particular—to prevent HIV and contribute to the vulnerability to infection. In addition, gender inequality makes it much more difficult for young women to negotiate abstinence from sex or to insist that their partners remain faithful or use condoms.

(23) Marriage does not protect young women from HIV, even when they are faithful to their husbands. In some settings, it appears marriage actually increases a woman's HIV risk. In some African countries, married women aged 15–19 have higher HIV infection levels than nonmarried sexually active women of the same age.

(24) A recent USAID-funded review found that sex and HIV education programs that encourage abstinence but also discuss the use of condoms do not increase sexual activity as critics of sex education have long alleged. Sex education can help delay the initiation of intercourse, reduce the frequency of sex and the number of sexual partners, and also increase condom use.

(25) Young people are our greatest hope for changing the course of the AIDS epidemic. According to the World Health Organization, ''Focusing on young people is likely to be the most effective approach to confronting the epidemic, particularly in high prevalence countries.''.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that sexually active young people, both unmarried and married, who live in a country where HIV infection is spreading through the general population, rather than being confined to specific populations, such as sex workers and their clients, injecting drug users, and men who have sex with men, and the rate of HIV infection among people between the ages of 15 and 49 exceeds 1 percent should be—

(1) considered at high risk of contracting HIV infection; and

(2) provided with the knowledge, skill-building programs, and tools to protect themselves from HIV infection, including—

(A) medically accurate information on public health benefits and failure rates of multiple strategies for eliminating or reducing the risks of contracting HIV and other sexually transmitted infections; and

(B) information about correct and consistent use of condoms as well as abstinence and the importance of reducing casual sexual partnering.

SEC. 4. ALLOCATION OF FUNDS.

Section 403 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673) is amended—

(1) in subsection (a), in the second sentence, by striking ''HIV/AIDS prevention'' and inserting ''prevention of the sexual transmission of HIV''; and

(2) by adding at the end the following new subsection:

''(c) ABSTINENCE-UNTIL-MARRIAGE PROGRAMS.—The term 'abstinence-until-marriage programs' means programs that place the highest priority on encouraging individuals who have not yet married to abstain from sexual activity, which if practiced 100 percent correctly and consistently is the only certain way to protect against exposure to HIV and other sexually transmitted infections. The programs include information on the health benefits of delayed sexual debut in reducing the transmission of HIV and may be used to support the wide range of approaches that promote skill-building strategies for practicing abstinence.''.

SEC. 5. ASSISTANCE TO YOUNG PEOPLE.

Section 104A(d)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2(d)(3)) is amended—

(1) in subparagraph (A), by inserting ''sexually active young people, both unmarried and married, who live in a country experiencing a generalized HIV epidemic,'' after ''infected with HIV/AIDS,''; and

(2) by adding at the end the following new subparagraph:

''(C) In subparagraph (A), the term 'generalized epidemic' means, with respect to a country, that—

''(i) HIV infection is spreading through the general population of such country, rather than being confined to specific populations, such as sex workers and their clients, injecting drug users, and men who have sex with men; and

''(ii) the rate of HIV infection among people between the ages of 15 and 49 exceeds 1 percent.''.

Ms. SNOWE. Mr. President, today I join with my dear colleague, Senator FEINSTEIN, to address a critical problem—the prevention of HIV infection. HIV/AIDS affects people of all walks of life and all corners of the globe. Today over 40 million are infected with HIV. In the United States today, we have seen HIV infection become a much more manageable disease as modern medications have enabled so many to lead productive lives. That was certainly not so ten years ago.

Today the President's Emergency Plan for AIDS Relief, PEPFAR, is intended to extend the progress we have made to countries where resources are so limited that HIV infection has inevitably led to AIDS and death. PEPFAR is intended to prevent 7 million new infections, to bring 2 million into treatment, and to provide care for approximately 10 million with HIV/AIDS.

Prevention is clearly key to stopping this global epidemic. In Uganda we have seen remarkable progress made in preventing infection when a combined strategy was employed which promoted abstinence, faithfulness in marriage, and condom use—the ''ABC'' approach.

The Congress saw this strategy could be effective, and many sought to ensure that abstinence would be supported in PEPFAR. In fact, a statutory requirement mandates that one-third of all PEPFAR prevention monies are dedicated to the exclusive use of abstinence and faithfulness in marriage to prevent HIV infection.

It is critical to recognize that abstinence, and even marital faithfulness, is not enough to stem the tide of this epidemic. Abstinence is not a relevant means of protection if you are, for example, a married woman who has an HIV-positive husband. That woman needs protection, whether that be a condom, a microbicide, or other means to protect herself.

We also recognize that sexual transmission is certainly not the only means of transmitting HIV. We have seen newborns and infants infected during delivery and nursing. We have seen failures of hygiene in hospital settings cause HIV/AIDS. We have seen HIV spread by drug abuse. Each of these must be addressed to reduce the spread the HIV virus.

So we can see that while devoting funds for abstinence programs to prevent sexual transmission of HIV may be justified, one certainly could harm other efforts with a mandate that one-third of all funds be so dedicated.

That is indeed what has transpired. In April the GAO reported that countries are encountering difficulty in meeting their prevention needs because they must spend one-third of all their prevention funds on abstinence and faithfulness programs. They know they should not ignore other prevention strategies. Sometimes they end up spending more than needed on prevention as a result, while in other cases essential prevention programs are sacrificed.

Consider the actual impact of such a rigid funding requirement today. The

Elizabeth Glaser Pediatric AIDS Foundation has reported that in Swaziland, nearly half of the women visiting their health clinics are HIV-infected. Abstinence education is not germane to these women—nor is faithfulness. They wish to avoid infecting their children. So the needs of a given country, and even of a local community, must take precedence. A one-size-fits-all approach certainly does not work.

That is why I have joined Senator FEINSTEIN today in introducing legislation to address the problems which the GAO described. It does this quite simply. First, it acknowledges that abstinence can play a role in preventing HIV infection. As such, the bill maintains a requirement for abstinence—so that at least one-third of funds used for preventing sexual transmission will be dedicated to such programs. Yet with two-thirds available for other means, we know countries can respond with all appropriate prevention strategies.

By setting the abstinence funding requirement so it applies only to sexual transmission, we will avoid impacting those programs which prevent non-sexual transmission of HIV. We cannot forget that these other strategies—such as reducing mother-to-child transmission—are major needs in some localities.

Our legislation does a second critical thing. The current statute requires exclusivity in funded abstinence programs. If, for example, your program desired to dispense condoms, you could not do so, even if this was a very minor part of your program's prevention efforts. Now consider again the ''discordant'' couple—where only one spouse is infected. Would anyone propose that in that marriage, one should not help the uninfected partner remain so? Our legislation provides a bit of flexibility and allows funded abstinence programs to utilize other strategies such as condoms as a minor part of their prevention program. That is simply commonsense. It follows what we have seen to work—the ''ABC'' approach.

Finally, this legislation does a third thing, and that is to simply recognize that sexually active youth who live in a country where HIV infection is spreading through the general population should be considered at high risk of contracting HIV and provided with information on the complete range of tools to prevent the spread of HIV. We simply must not lose a generation to AIDS prevention can be so effective.

I thank the President for his leadership in bringing the PEPFAR effort forward to help millions realize the promise of a future in which HIV will no longer threaten their future. Today, I ask my colleagues to join with Senator FEINSTEIN and me in seeing this legislation is enacted to ensure that we address the funding problems identified by the GAO and effectively employ HIV/AIDS prevention to stem this global epidemic.

By Mr. SANTORUM:

S. 3657. A bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal Home Loan Banks to be treated as tax-exempt bonds; to the Committee on Finance.

Mr. SANTORUM. Mr. President, as a member of the Senate, I have devoted much of my time at looking for innovative ways to develop local communities in which our families can prosper. It is in that spirit that I am introducing legislation today that will help local governments across the country meet economic development needs in a manner that partners with the private sector and saves local taxpayers money. Specifically, I rise today to introduce legislation that would allow community bank members of Federal Home Loan Banks to provide credit support to tax-exempt municipal development bonds, including letters of credit, LOCs.

Under current law, State and local governments are able to issue tax-exempt bonds to help fund community and economic projects. To ensure that bond investors will be paid in full, Federal Home Loan Banks provide a LOC. Unfortunately, the Internal Revenue Service, IRS, has classified Federal Home Loan Bank LOCs as a Federal guarantee, a decision that triggers the loss of a bond's tax-exempt status. By allowing community banks to partner with the Federal Home Loan Banks to offer credit support on municipal tax-exempt bonds, local communities will be able to reduce the cost to local taxpayers for bonds issued for such projects as wastewater treatment facilities, fire stations, medical clinics, school buses, long-term care facilities, and infrastructure improvements.

Through their community bank owners, Federal Home Loan Banks have offered letters of credit for over 10 years. They can provide letters of credit for taxable municipal bonds and tax-exempt housing bonds; however, due to a quirk in the law, they cannot do so for tax-exempt economic development bonds. My legislation would fix this inconsistency in the Tax Code.

Congress has already determined that credit support issued by other government-sponsored enterprises, GSEs, can support nonhousing municipal bond issues without losing tax-exempt treatment. The other GSEs mentioned in the code—Fannie Mae, Freddie Mac, Ginnie Mae, the Farm Credit System, and the Tennessee Valley Administration—are privately owned corporations—Federal Home Loan Banks—whose obligations are also not guaranteed by the U.S. Government. Therefore, granting the Federal Home Loan Bank letters of credit the same recognition is simply an equitable proposition.

This legislation will have a positive economic impact for local communities. Allowing Federal Home Loan Banks to provide credit support for tax-exempt municipal bonds will increase access to capital for municipalities which will spur economic growth and stimulate job creation. Municipal bonds raise money for public purposes to build and strengthen their communities. This is why groups like the Pennsylvania School Board Association supports this provision. They agree that this bill can ''potentially help school districts lower the costs for expensive school projects, such as bus purchasing and building construction.'' Hospitals can gain the resources necessary to utilize the most up-to-date technology to provide our children with the best health care possible. Municipal bonds help local officials finance renovations of sewer systems, roads and highways to improve the quality of life for families.

This legislation is important because it gives local officials an additional option as they strive to do more for their communities with tighter budget constraints. This bill is supported by the National League of Cities, the U.S. Conference of Mayors, the Independent Community Bankers of America, the Council of Federal Home Loan Banks, the National Association of Homebuilders, and the American Bankers Association, the National Association of Higher Educational Facilities Authorities, and the National Council of Health Facilities Finance Authorities. In my state of Pennsylvania, this effort is supported by the Pennsylvania Housing Finance Agency, the Pennsylvania Association of Community Bankers, the Pennsylvania Bankers Association, the Pennsylvania School Boards Association, and the Pennsylvania League of Municipalities. These groups have a strong reputation of supporting economic development on the state and local level.

This bill will simply provide consistency in the Tax Code, but more importantly, the benefits to our families and communities will be substantial.

Congress must continue to look for ways to spur economic development for America's communities. This bill will help do just that, and I urge my colleagues to support this legislation.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 3659. A bill to reauthorize and improve the women's small business ownership programs of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, as the ranking member on the Committee on Small Business and Entrepreneurship, I rise today to join my colleague and chair, Senator SNOWE, in introducing the Women's Small Business Ownership Programs Act of 2006. This legislation reauthorizes and strengthens vital small business programs for women entrepreneurs nationwide.

Small businesses are the driving force behind innovation and national economic prosperity in the United States. Employing over 19 million workers, while pumping some $2 trillion into the economy, America's 10.6

million women-owned businesses play an integral role in this endeavor. However, despite their critical contributions to our Nation, women entrepreneurs still face many obstacles in the business world. Without the support and guidance of Women's Business Centers and other women small business ownership programs, which provide necessary tools to ensure the long term success of women-owned firms, many female entrepreneurs would not be able to open their doors and stay in business. Given women-owned businesses' contributions to our society, it is imperative that we continue to advocate on their behalf, and this legislation does just that.

In recent years, the Small Business Administration, SBA, has seen its annual budget repeatedly slashed by the Bush administration—the most out of any other Federal agency. The fiscal year 2007 proposal was no different. Among the various programmatic cuts within the President's fiscal year 2007 budget, technical assistance funding was set at just $104 million—down from his proposals of $108 million in fiscal year 2006 and $111 million in fiscal year 2005. This funding plays a crucial role in the development and sustainability of Women's Business Centers in states across the country. The SBA provides grants from technical assistance funding to help support over 80 Women's Business Centers Nationwide. One such example is the Center for Women and Enterprise, which has served the greater Boston, Worcester, and Providence areas since 1995. In that time, the center has certified over 150 women-owned businesses and served as a catalyst in helping entrepreneurs create over 15,000 new jobs.

More centers such as this ought to be in place in areas spanning the Nation. That is why I made it a priority to author and pass the Women's Business Center Sustainability Act of 1999, to help successful centers remain open and viable in the areas they serve. This bill was signed into law as a means of safeguarding successful centers with proven results by authorizing continued funding for a set time period under sustainability grants. The theory behind this bipartisan legislation was to continue to allow for new centers, but to also ensure that those with a proven track record would continue to be helped. And yet, since its enactment, Senator SNOWE and I have had to fight each year to ensure that there is sustainability funding through the passage of numerous temporary extensions and a series of exchanges with the SBA. These centers are vital in equipping women entrepreneurs with the tools they need to succeed in business, and it is unfortunate that this administration has attempted to eliminate sustainability funding since President Bush took office. It is high time that all centers demonstrating proven results year in and year out receive this sustainability funding.

The legislation I am introducing today, guarantees the future of the Women's Business Center Program and bridges it with other SBA-related women's initiatives to ensure there exists a unified and cohesive mission driving the programs forward for women entrepreneurs across the country. In this, the bill not only makes permanent the Women's Business Center Sustainability Pilot Program—through the creation of 3-year ''renewal'' grants for centers with sustainability grants, and 4-year ''initial'' grants for new centers across the country—but it also increases the program's authorization levels. Furthermore, our legislation calls for the Office of Women's Business Ownership to make all Women's Business Center grants at $150,000 and to work in consultation with Women's Business Centers whenever making improvements to the program.

Additionally, this legislation calls for a more streamlined approach for the Women's Business Center Program's data collection, grant application, and selection criteria, in an effort to ensure a smooth transition from sustainability to the newly established program. The Women's Small Business Ownership Programs Act of 2006 also contains privacy protections for the Women's Business Council, Women's Business Centers, and their small business clients.

The bill's provisions make several minor, yet significant, changes to both the Interagency Committee on Women's Business Enterprise, as well as the National Women's Business Council—enabling both entities to serve as a better resource for not only the administration and Congress, but the larger small business community as well. In order to increase and strengthen women business owners' representation in the Federal Government, the bill reestablishes the Interagency Committee on Women's Business Enterprise, and creates a Policy Advisory Group to aide the committee's chairperson in the development of policies and programs under this act. It also creates three subcommittees similar to those created under the National Women's Business Council. Additionally, in order to afford the National Women's Business Council more flexibility in its use of funds, the bill gives it cosponsorship authority, and directs it to act as a clearinghouse for historical data.

I would like to remind my colleagues that similar legislation drew wide bipartisan support in the 108th Congress. Despite arriving at a bipartisan Women's Business Center compromise on the Senate Small Business and Entrepreneurship Committee, the Republican majority failed to include this compromise in the last SBA reauthorization package. I would like to thank Chair SNOWE for her work in addressing the needs of America's female entrepreneurs, and for her steadfast support for this legislation. She is a true advocate for women-owned small businesses.

Mr. President, I urge my colleagues on both sides of the aisle to support the Women's Small Business Ownership Programs Act of 2006.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Women's Small Business Ownership Programs Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. OFFICE OF WOMEN'S BUSINESS OWNERSHIP.

Section 29(g) of the Small Business Act (15 U.S.C. 656(g)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B)(i), by striking ''in the areas'' and all that follows through the end of subclause (I), and inserting the following: ''to address issues concerning management, operations, manufacturing, technology, finance, retail and product sales, international trade, and other disciplines required for—

''(I) starting, operating, and growing a small business concern;''; and

(B) in subparagraph (C), by inserting before the period at the end the following: '', the National Women's Business Council, and any association of women's business centers''; and

(2) by adding at the end the following:

''(3) PROGRAMS AND SERVICES FOR WOMEN-OWNED SMALL BUSINESSES.—The Assistant Administrator, in consultation with the National Women's Business Council, the Interagency Committee on Women's Business Enterprise, and 1 or more associations of women's business centers, shall develop programs and services for women-owned businesses (as defined in section 408 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note)) in business areas, which may include—

''(A) manufacturing;

''(B) technology;

''(C) professional services;

''(D) retail and product sales;

''(E) travel and tourism;

''(F) international trade; and

''(G) Federal Government contract business development.

''(4) TRAINING.—The Administrator shall provide annual programmatic and financial oversight training for women's business ownership representatives and district office technical representatives of the Administration to enable representatives to carry out their responsibilities under this section.

''(5) GRANT PROGRAM IMPROVEMENT.—The Administrator shall improve the women's business center grant proposal process and the programmatic and financial oversight process by—

''(A) providing notice to the public of each women's business center grant announcement for an initial and renewal grant, not later than 6 months before awarding such grant;

''(B) providing notice to grant applicants and recipients of program evaluation criteria, not later than 12 months before any such evaluation;

''(C) reducing paperwork and reporting requirements for grant applicants and recipients;

''(D) standardizing the oversight and review process of the Administration; and

''(E) providing to each women's business center, not later than 30 days after the completion of a site visit at that center, a copy of site visit reports and evaluation reports prepared by district office technical representatives or Administration officials.''.

SEC. 3. WOMEN'S BUSINESS CENTER PROGRAM.

(a) WOMEN'S BUSINESS CENTER GRANTS PROGRAM.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (2), (3), and (4), as paragraphs (3), (4), and (5), respectively; and

(B) by inserting after paragraph (1) the following:

''(2) the term 'association of women's business centers' means an organization that represents not fewer than 30 percent of the women's business centers that are participating in a program under this section, and whose primary purpose is to represent women's business centers;''; and

(2) by striking subsections (b) through (f) and inserting the following:

''(b) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—

''(A) ISSUANCE.—The Administrator may award initial and renewal grants of not more than $150,000 per year, which shall be known as 'women's business center grants', to private nonprofit organizations to conduct projects for the benefit of small business concerns owned and controlled by women.

''(B) RENEWALS.—At the end of the initial 4-year grant period, and every 3 years thereafter, the grant recipient may apply to renew the grant in accordance with this subsection and subsection (e)(2).

''(C) EQUAL ALLOCATIONS.—In the event that the Administration has insufficient funds to provide grants of $150,000 for each eligible women's business center, available funds shall be allocated equally to eligible centers, unless any center requests a lower amount than the allocable amount.

''(2) COOPERATIVE AGREEMENT AUTHORITY.—

''(A) IN GENERAL.—The Administrator may enter into Federal cooperative agreements with grant recipients under this subsection to perform the services described under paragraph (3), only to the extent and in the amount provided by appropriated funds.

''(B) TERMINATION.—

''(i) IN GENERAL.—If any grant recipient under this subsection does not fulfill its grant obligations, after advanced notification, during the period of the grant, the Administrator may terminate the grant.

''(ii) EXCEPTION.—Notwithstanding a violation by a grant recipient of a grant obligation under this subsection, the Administrator may continue to fund the grant, if the grant recipient is making a good faith effort to comply with such obligation.

''(3) USE OF FUNDS.—Grants awarded under this subsection may be used to provide training and counseling in the areas of—

''(A) pre-business, business startup, and business operations;

''(B) financial planning assistance;

''(C) procurement assistance;

''(D) management assistance;

''(E) marketing assistance; and

''(F) international trade.

''(4) MATCHING REQUIREMENT.—

''(A) WOMEN'S BUSINESS CENTER GRANTS.—As a condition of receiving financial assistance under this subsection, the grant recipient shall agree to obtain, after its application has been approved and notice of award has been issued, cash contributions from non-Federal sources as follows:

''(i) In the first and second years, 1 non-Federal dollar for each 2 Federal dollars provided under the 4-year grant.

''(ii) In the third and fourth years, 1 non-Federal dollar for each Federal dollar provided under the 4-year grant.

''(iii) In each renewal period, 1 non-Federal dollar for each Federal dollar provided under the 3-year grant.

''(B) FORM OF NON-FEDERAL CONTRIBUTIONS.—Not more than ½ of the non-Federal sector matching assistance may be in the form of in-kind contributions that are budget line items only, including office equipment and office space.

''(C) FAILURE TO OBTAIN NON-FEDERAL FUNDING.—

''(i) ADVANCE DISBURSEMENTS.—If any grant recipient fails to obtain the required non-Federal contribution during any project year, it shall not be eligible for advance disbursements under subparagraph (D) during the remainder of that project year.

''(ii) ABILITY TO OBTAIN NON-FEDERAL FUNDING.—Before approving assistance to a grant recipient that has failed to obtain the required non-Federal contribution for any other projects under this Act, the Administrator shall require the grant recipient to certify that it will be able to obtain the requisite non-Federal funding and enter a written finding setting forth the reasons for making such determination.

''(D) FORM OF FEDERAL CONTRIBUTIONS.—The financial assistance authorized under this subsection may be made by grant or cooperative agreement and may contain such provisions, as necessary, to provide for payments in lump sum or installments, and in advance or by way of reimbursement. The Administrator may disburse not more than 25 percent of the Federal share awarded to a grant recipient for each year after notice of the award has been issued and before the non-Federal sector matching funds are obtained.

''(5) APPLICATION FOR AN INITIAL GRANT.—Each organization desiring an initial grant under this subsection, shall submit to the Administrator an application that contains—

''(A) a certification that the applicant—

''(i) is a private nonprofit organization;

''(ii) has designated an executive director or program manager, who may be compensated from grant funds or other sources, to manage the center; and

''(iii) as a condition of receiving a grant under this subsection, agrees—

''(I) to receive a site visit as part of the final selection process;

''(II) to undergo an annual programmatic and financial examination; and

''(III) to the maximum extent practicable, to remedy any problems identified pursuant to the site visit or examination under subclauses (I) and (II);

''(B) information demonstrating that the applicant has the ability and resources to meet the needs of the market to be served by the women's business center site for which an initial grant is sought, including the ability to comply with the matching requirement under paragraph (4);

''(C) information relating to assistance to be provided by the women's business center site for which an initial grant is sought in the area in which the site is located;

''(D) information demonstrating the effective experience of the applicant in—

''(i) conducting financial, management, and marketing assistance programs, as described under paragraph (3), which are designed to teach or upgrade the business skills of women who are business owners or potential business owners;

''(ii) providing training and services to a representative number of women who are both socially and economically disadvantaged; and

''(iii) using resource partners of the Administration and other entities, such as universities;

''(E) a 4-year plan that projects the ability of the women's business center site for which an initial grant is sought—

''(i) to serve women who are business owners or potential owners in the future by improving training and counseling activities; and

''(ii) to provide training and services to a representative number of women who are both socially and economically disadvantaged; and

''(F) any additional information that the Administrator may reasonably require.

''(6) REVIEW AND APPROVAL OF APPLICATIONS FOR AN INITIAL GRANT.—

''(A) IN GENERAL.—The Administrator shall—

''(i) review each application submitted under paragraph (5), based on the information described in such paragraph and the criteria set forth under subparagraph (B) of this paragraph; and

''(ii) as part of the final selection process, conduct a site visit at each women's business center for which an initial grant is sought.

''(B) SELECTION CRITERIA.—

''(i) IN GENERAL.—The Administrator shall evaluate applicants in accordance with predetermined selection criteria that shall be stated in terms of relative importance. Such criteria and their relative importance shall be made publicly available and stated in each solicitation for applications made by the Administrator.

''(ii) REQUIRED CRITERIA.—The selection criteria for an initial grant under clause (i) shall include—

''(I) the experience of the applicant in conducting programs or ongoing efforts designed to teach or upgrade the business skills of women who are business owners or potential owners;

''(II) the ability of the applicant to commence a project within a minimum amount of time;

''(III) the ability of the applicant to provide training and services to a representative number of women who are both socially and economically disadvantaged; and

''(IV) the location for the women's business center site proposed by the applicant.

''(C) RECORD RETENTION.—The Administrator shall maintain a copy of each application submitted under this paragraph for not less than 7 years.

''(7) APPLICATION FOR A RENEWAL GRANT.—Each organization desiring a renewal grant under this subsection, shall submit to the Administrator, not later than 3 months before the expiration of an existing grant under this subsection, an application that contains—

''(A) a certification that the applicant—

''(i) is a private nonprofit organization;

''(ii) has designated an executive director or program manager to manage the center; and

''(iii) as a condition of receiving a grant under this subsection, agrees—

''(I) to receive a site visit as part of the final selection process;

''(II) to submit, for the preceding 2 years, annual programmatic and financial examination reports or certified copies of the applicant's compliance supplemental audits under OMB Circular A–133; and

''(III) to the maximum extent practicable, to remedy any problems identified pursuant to the site visit or examination under subclauses (I) and (II);

''(B) information demonstrating that the applicant has the ability and resources to meet the needs of the market to be served by

the women's business center site for which a renewal grant is sought, including the ability to comply with the matching requirement under paragraph (4);

''(C) information relating to assistance to be provided by the women's business center site for which a renewal grant is sought in the area in which the site is located;

''(D) information demonstrating the utilization of resource partners of the Administration and other entities;

''(E) a 3-year plan that projects the ability of the women's business center site for which a renewal grant is sought—

''(i) to serve women who are business owners or potential owners in the future by improving training and counseling activities; and

''(ii) to provide training and services to a representative number of women who are both socially and economically disadvantaged; and

''(F) any additional information that the Administrator may reasonably require.

''(8) REVIEW AND APPROVAL OF APPLICATIONS FOR A RENEWAL GRANT.—

''(A) IN GENERAL.—The Administrator shall—

''(i) review each application submitted under paragraph (7), based on the information described in such paragraph and the criteria set forth under subparagraph (B) of this paragraph; and

''(ii) as part of the final selection process, conduct a site visit at each women's business center for which a renewal grant is sought.

''(B) SELECTION CRITERIA.—The Administrator shall evaluate applicants in accordance with predetermined selection criteria that shall be stated in terms of relative importance. Such criteria and their relative importance shall be made publicly available and stated in each solicitation for applications made by the Administrator.

''(C) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to renew a grant or cooperative agreement with a women's business center, the Administrator—

''(i) shall consider the results of the most recent evaluation of the center, and, to a lesser extent, previous evaluations; and

''(ii) may withhold such renewal, if the Administrator determines that the center has failed to provide the information required to be provided under this subsection, or the information provided by the center is inadequate.

''(D) CONTINUING GRANT AND COOPERATIVE AGREEMENT AUTHORITY.—

''(i) IN GENERAL.—The authority of the Administrator to enter into grants or cooperative agreements under this subsection shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts.

''(ii) RENEWAL.—After the Administrator has entered into a grant or cooperative agreement with any women's business center under this subsection, the Administrator shall not suspend, terminate, or fail to renew or extend any such grant or cooperative agreement, unless the Administrator provides the center with written notification setting forth the reasons therefore and affords the center an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.

''(E) RECORD RETENTION.—The Administrator shall maintain a copy of each application submitted under this paragraph for not less than 7 years.

''(9) DATA COLLECTION.—Consistent with the annual report to Congress under subsection (g), each women's business center site that is awarded an initial or renewal grant under this subsection shall collect information relating to—

''(A) the number of individuals counseled or trained;

''(B) the number of hours of counseling provided;

''(C) the number of workshops conducted;

''(D) the number of startup small business concerns formed; and

''(E) the number of jobs created or maintained at assisted small business concerns.

''(10) PRIVACY REQUIREMENTS.—

''(A) IN GENERAL.—A women's business center may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance under this subsection without the consent of such individual or small business concern, unless—

''(i) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

''(ii) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a women's business center, but a disclosure under this clause shall be limited to the information necessary for such audit.

''(B) ADMINISTRATION USE OF INFORMATION.—This subsection shall not—

''(i) restrict Administration access to program activity data; or

''(ii) prevent the Administration from using client information (other than the information described in subparagraph (A)) to conduct client surveys.

''(C) REGULATIONS.—The Administrator shall issue regulations to establish standards for requiring disclosures during a financial audit under subparagraph (A)(ii).

''(11) TRANSITION RULES.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, a grant or cooperative agreement that was awarded as an eligible sustainability grant, from amounts appropriated for fiscal year 2006, to operate a women's business center, shall remain in full force and effect under the terms, and for the duration, of such agreement, subject to the grant limitation in paragraph (1).

''(B) EXTENSION.—If the sustainability grant under subparagraph (A) is scheduled to expire not later than June 30, 2007, a 1-year extension shall be granted without any interruption of funding, subject to the grant limitation in paragraph (1).

''(C) EFFECT ON CERTAIN EXISTING PROJECTS AND RENEWAL AUTHORITY.—A project being conducted by a women's business center under this subsection on the day before the date of enactment of the Women's Small Business Ownership Programs Act of 2006—

''(i) as a 5-year project, shall remain in full force and effect under the terms and for the duration of that agreement; and

''(ii) shall be eligible to apply for a 3-year renewal grant funded at a level equal to not more than $150,000 per year.

''(12) COORDINATION OF SERVICES.—Small business development centers and women's business centers shall, to the extent possible, coordinate services to avoid duplication of programmatic efforts.

''(c) ASSOCIATIONS OF WOMEN'S BUSINESS CENTERS.—

''(1) RECOGNITION.—The Administrator shall recognize the existence and activities of any association of women's business centers established to address matters of common concern.

''(2) CONSULTATION.—The Administrator shall consult with each association of women's business centers to develop—

''(A) a training program for the staff of the women's business centers and the Administration; and

''(B) recommendations to improve the policies and procedures for governing the general operations and administration of the Women's Business Center Program, including grant program improvements under subsection (e)(5).''.

(b) CONFORMING AMENDMENTS.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) by redesignating subsections (g), (h), (i), (j), and (k) as subsections (d), (e), (f), (g), and (h), respectively;

(2) in subsection (e)(2), as redesignated by paragraph (1) of this subsection, by striking ''to award a contract (as a sustainability grant) under subsection (l) or'';

(3) in subsection (g)(1), as redesignated by paragraph (1) of this subsection, by striking ''The Administration'' and inserting ''Not later than November 1st of each year, the Administrator'';

(4) in subsection (h), as redesignated by paragraph (1) of this subsection—

(A) by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—There are authorized to be appropriated to the Administration to carry out this section, to remain available until expended—

''(A) $16,500,000 for fiscal year 2007, of which $500,000 may be used to provide supplemental sustainability grants to women's business centers, except that no such center may receive more than a total of $125,000 in grant funding for the grant period beginning on July 1, 2006 and ending on June 30, 2007;

''(B) $17,000,000 for fiscal year 2008; and

''(C) $17,500,000 for fiscal year 2009.

''(2) USE OF AMOUNTS.—Amounts made available under this subsection may only be used for grant awards and may not be used for costs incurred by the Administration in connection with the management and administration of the program under this section.''; and

(B) by striking paragraph (4); and

(5) by striking subsection (l).

SEC. 4. NATIONAL WOMEN'S BUSINESS COUNCIL.

(a) COSPONSORSHIP AUTHORITY.—Section 406 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7106) is amended by adding at the end the following:

''(f) COSPONSORSHIP AUTHORITY.—The Council is authorized to enter into agreements as a cosponsor with public and private entities, in the same manner as is provided in section 8(b)(1)(A) of the Small Business Act (15 U.S.C. 637(b)(1)(A)), to carry out its duties under this section.''.

(b) MEMBERSHIP.—Section 407(f) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7107(f)) is amended by adding at the end the following:

''(3) REPRESENTATION OF MEMBER ORGANIZATIONS.—Notwithstanding subsection (b), a national women's business organization or small business concern that is represented on the Council may, in consultation with the chairperson of the Council, replace its representative member on the Council at any time during the service term to which that member was appointed.''.

(c) ESTABLISHMENT OF COMMITTEES.—Title IV of the Women's Business Ownership Act of 1988 (15 U.S.C. 7101 et seq.) is amended by inserting after section 410, the following new section:

''SEC. 411. COMMITTEES.

''(a) ESTABLISHMENT.—There are established within the Council—

''(1) the Committee on Manufacturing, Technology, and Training and Professional Services;

''(2) the Committee on Travel, Tourism, Product and Retail Sales, and International Trade; and

''(3) the Committee on Federal Procurement and Contracting.

''(b) DUTIES.—The Committees established under subsection (a) shall perform such duties as the chairperson shall direct.''.

(d) CLEARINGHOUSE FOR HISTORICAL DOCUMENTS.—Section 409 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7109) is amended by adding at the end the following:

''(c) CLEARINGHOUSE FOR HISTORICAL DOCUMENTS.—The Council shall serve as a clearinghouse for information on small businesses owned and controlled by women, including research conducted by other organizations and individuals relating to ownership by women of small business concerns in the United States.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 410(a) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7110(a)) is amended by striking ''2001 through 2003, of which $550,000'' and inserting ''2007 through 2009, of which not less than 30 percent''.

SEC. 5. INTERAGENCY COMMITTEE ON WOMEN'S BUSINESS ENTERPRISE.

(a) CHAIRPERSON.—Section 403(b) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7103(b)) is amended—

(1) by striking ''Not later'' and inserting the following:

''(1) IN GENERAL.—Not later''; and

(2) by adding at the end the following:

''(2) VACANCY.—In the event that a chairperson is not appointed under paragraph (1), the Deputy Administrator of the Small Business Administration shall serve as acting chairperson of the Interagency Committee until a chairperson is appointed under paragraph (1).''.

(b) POLICY ADVISORY GROUP.—Section 401 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7101) is amended—

(1) by striking ''There'' and inserting the following:

''(a) IN GENERAL.—There''; and

(2) by adding at the end the following:

''(b) POLICY ADVISORY GROUP.—

''(1) ESTABLISHMENT.—There is established a Policy Advisory Group to assist the chairperson in developing policies and programs under this Act.

''(2) MEMBERSHIP.—The Policy Advisory Group shall be composed of 7 policy making officials, of whom—

''(A) 1 shall be a representative of the Small Business Administration;

''(B) 1 shall be a representative of the Department of Commerce;

''(C) 1 shall be a representative of the Department of Labor;

''(D) 1 shall be a representative of the Department of Defense;

''(E) 1 shall be a representative of the Department of the Treasury; and

''(F) 2 shall be representatives of the Council.''.

(c) ESTABLISHMENT OF SUBCOMMITTEES.—Section 401 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7101), as amended by subsection (b), is amended by adding at the end the following:

''(c) SUBCOMMITTEES.—

''(1) ESTABLISHMENT.—There are established—

''(A) the Subcommittee on Manufacturing, Technology, and Training and Professional Services;

''(B) the Subcommittee on Travel, Tourism, Product and Retail Sales, and International Trade; and

''(C) the Subcommittee on Federal Procurement and Contracting.

''(2) DUTIES.—The Subcommittees established under paragraph (1) shall perform such duties as the chairperson shall direct.

''(3) MEETINGS.—The Subcommittees established under paragraph (1) shall meet not less frequently than 3 times each year to—

''(A) plan activities for the new fiscal year;

''(B) track year-to-date agency contracting goals; and

''(C) evaluate the progress during the fiscal year and prepare an annual report.''.

SEC. 6. PRESERVING THE INDEPENDENCE OF THE NATIONAL WOMEN'S BUSINESS COUNCIL.

(a) FINDINGS.—Congress finds the following:

(1) The National Women's Business Council provides an independent source of advice and policy recommendations regarding women's business development and the needs of women entrepreneurs in the United States to—

(A) the President;

(B) Congress;

(C) the Interagency Committee on Women's Business Enterprise; and

(D) the Administrator.

(2) The members of the National Women's Business Council are small business owners, representatives of business organizations, and representatives of women's business centers.

(3) The chair and ranking member of the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives make recommendations to the Administrator to fill 8 of the positions on the National Women's Business Council. Four of the positions are reserved for small business owners who are affiliated with the political party of the President and 4 of the positions are reserved for small business owners who are not affiliated with the political party of the President. This method of appointment ensures that the National Women's Business Council will provide Congress with nonpartisan, balanced, and independent advice.

(4) In order to maintain the independence of the National Women's Business Council and to ensure that the Council continues to provide Congress with advice on a nonpartisan basis, it is essential that the Council maintain the bipartisan balance established under section 407 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7107).

(b) MAINTENANCE OF PARTISAN BALANCE.—Section 407(f) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7107(f)), as amended by this Act, is amended by adding at the end the following:

''(4) PARTISAN BALANCE.—When filling vacancies under paragraph (1), the Administrator shall, to the extent practicable, ensure that there are an equal number of members on the Council from each of the 2 major political parties.

''(5) ACCOUNTABILITY.—If a vacancy is not filled within the 30-day period required under paragraph (1), or if there exists an imbalance of party-affiliated members on the Council for a period exceeding 30 days, the Administrator shall submit a report, not later than 10 days after the expiration of either such 30-day deadline, to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, that explains why the respective deadline was not met and provides an estimated date on which any vacancies will be filled, as applicable.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 528—DESIGNATING THE WEEK BEGINNING ON SEPTEMBER 10, 2006, AS ''NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK''

Mr. GRAHAM (for himself, Mr. BROWNBACK, Mr. KERRY, Ms. MIKULSKI, Mr. DEWINE, Mr. DEMINT, Mr. TALENT, Mr. ISAKSON, Mr. OBAMA, Mr. VOINOVICH, Ms. LANDRIEU, Mr. SANTORUM, Mr. DODD, Mr. LOTT, Mr. DURBIN, Mr. CHAMBLISS, Mr. BAYH, Mr. SPECTER, Mr. ALLEN, Mr. BURR, Mr. MCCAIN, Mr. COCHRAN, Mr. BIDEN, Mrs. HUTCHISON, Mrs. DOLE, Mr. FRIST, Mr. WARNER, Mr. ALEXANDER, Mr. VITTER, Mrs. BOXER, Mr. SARBANES, Mr. SALAZAR, and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 528

Whereas there are 103 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved, That the Senate,

(1) Designates the week beginning September 10, 2006, as 'National Historically Black Colleges and Universities Week'; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

SENATE RESOLUTION 529—DESIGNATING JULY 13, 2006, AS ''NATIONAL SUMMER LEARNING DAY''

Mr. OBAMA (for himself, Mr. DEMINT, Ms. MIKULSKI, Mr. ISAKSON, and Mr. KENNEDY) submitted the following resolution; which was considered and agreed to:

S. RES. 529

Whereas all students experience measurable loss of mathematics and reading skills when they do not engage in educational activities during the summer months;

Whereas summer learning loss is greatest for low-income children, who often lack the academic enrichment opportunities available to their more affluent peers;

Whereas summer learning loss contributes significantly to the gaps in achievement between low-income children, including minority children and children with limited English proficiency, and their more affluent peers;

Whereas structured enrichment and education programs are proven to accelerate learning for students who participate in such programs for several weeks during the summer;

Whereas in the BELL summer programs, students gain several months worth of reading and mathematics skills through summer enrichment, and in the Teach Baltimore Summer Academy, students enrolled for 2 summers gain 70 to 80 percent of a full grade level in reading, and thousands of students in similar programs experience measurable gains in academic achievement;

Whereas Summer Learning Day is designed to highlight the need for more young people to be engaged in summer learning activities and to support local summer programs that